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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,527	12/13/2000	Paul F. Austin	5150-47600	9833
35690	7590	08/05/2005		
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398			EXAMINER BASOM, BLAINE T	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,527

Applicant(s)

AUSTIN ET AL.

Examiner

Blaine Basom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 89-98, 100-115 and 117-123 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 89-98, 100-115 and 117-123 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 13 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

The Examiner acknowledges the Applicants' amendments to claims 89-92, 94-98, 101-102, 105-109, 111-115, 118-119, and 122, the cancellation of claims 99 and 116, and the addition of new claim 123. In light of these amendments, the objections of claims 90-92, 95-99, 101-102, 107-109, 111-116, and 118-119, presented in the previous Office Action, are withdrawn, as are the 35 U.S.C. 112, second paragraph rejections of claims 95, 101, 105, 112, 118, and 112, also presented in the previous Office Action.

The Applicants' amendments particularly involve the incorporation of claims 99 and 116, now cancelled, into each of the independent claims; that is, the amendments add that the first GUI element recited in each of the independent claims is for a graphical program comprising a plurality of interconnected nodes which visually indicate functionality of the graphical program, as is expressed in claims 99 and 116. The previous Office Action, mailed 2/28/2005, asserted that this graphical program of claims 99 and 116 is taught by Semenzato (U.S. Patent No. 5,903,728). The Applicants, however, argue that Semenzato fails to teach or suggest such a graphical program comprising a plurality of interconnected nodes which visually indicate functionality of the graphical program. The Examiner respectfully disagrees with this argument. As described in the previous Office Action, and again below, Semenzato presents a GUI element, specifically that of a plug-in associated with a browser application. Such a browser application is considered a graphical program, since as known in the art, it comprises graphical elements to visually present information to the user. Additionally, such a browser is considered to comprise a plurality of interconnected nodes which visually indicate functionality of the

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graphical program, since as known in the art, a graphical display is generally comprised of interconnected nodes. When specifying the rudimentary visual characteristics of a graphical display instance, graphics primitives are applied to specify points, i.e. nodes, which are interconnected to form the graphical objects, such as lines and polygons, composing the display (for example, see the included Chapters 1 and 2 of “Computer Graphics: Principles and Practice,” with particular regard to pages 26-31). The window of the browser of Semenzato, for example, is thus understood to be comprised of four nodes, one at each corner, which are interconnected to form the rectangle delineating the window. Accordingly, given the broadest, most reasonable interpretation of a graphical program comprising a plurality of interconnected nodes which visually indicate functionality of the graphical program, the browser of Semenzato is considered such a graphical program.

The Applicants’ arguments have thus been fully considered, but are not persuasive.

### *Claim Objections*

Claim 122 is objected to because of the following informalities: in the preamble of claim 122, the phrase, “wherein the program instruction are computer-executable to implement,” is considered grammatically incorrect. Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 89-98, 100-101, 103-115, 117-118, and 120-123 are rejected under 35

U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,903,728, which is attributed to Semenzato. In general, Semenzato presents a system in which plug-ins are executed as a separate process from their associated platform process (for example, see column 3, lines 15-35).

Regarding claims 89, 105, 106, and 122, Semenzato discloses that such an associated platform process may be a browser application, whereby the plug-in comprises user interface elements, separate from those of the browser (for example, see column 3, lines 15-35; and column 4, lines 3-29). The browser is considered a graphical program comprising a plurality of interconnected nodes that visually represent functionality of the browser. For example, the GUI of the browser is understood to comprise a plurality of interconnect nodes, which generate a display of the GUI elements, and which thus visually represent functionality of the graphical program. As known in the art, plug-ins of associated with such browsers may be instantiated in response to the browser application receiving from a user-specified source a type of data in which it cannot process. In such circumstances, a first GUI element, particularly that associated with a browser, is displayed on a display of a first computer system; user input specifying a data source with which to associated the first GUI element is received; in response to receiving the user input, the first GUI element is automatically configured to receive and display data from the

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specified data source; the first computer system receives data from the specified data source, wherein the data includes information specifying a first data type of the data; it is automatically determined that the first GUI element cannot display data of the first data type; a second GUI element, specifically that associated with a plug-in, is automatically substituted for the first GUI element, wherein the second GUI element can display data of the first type; and the received data from the specified data source is displayed on the second GUI element. Consequently, Semenzato is considered to teach a method like that recited in claim 89. It is understood that this method is implemented with a computer, and specifically, that the browser and plug-in application are instantiated upon this computer (for example, see column 4, line 56 – column 5, line 64). Such a computer implementing the above-described method of Semenzato is considered to comprise a memory medium, like that recited in claim 105, which stores program instructions for configuring a GUI element to subscribe to a data source. The automatic display of the second GUI element is considered an indication to the user of an invalid condition, specifically that the first GUI element, that associated with the browser, cannot display data of the first data type. Additionally it is understood that, as known in the art, if the first computer does not comprise an appropriate plug-in for the first type of data, and the browser cannot display the first type of data, the browser would display an indication of an invalid condition. Accordingly, Semenzato is considered to teach a method like that recited in claim 106. It is understood that this method is implemented with a computer, and specifically, that the browser and plug-in application are instantiated upon this computer (for example, see column 4, line 56 – column 5, line 64). Such a computer implementing the above-described method of Semenzato is

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considered to comprise a memory medium, like that recited in claim 122, which stores program instructions for configuring a GUI element to subscribe to a data source.

As per claims 96-98, 113-115, and 123, Semenzato discloses that such a method may be implemented during development of the plug-in (see column 1, line 60 – column 2, line 34). The GUI element is thus associated with a first computer program, namely a plug-in, wherein displaying the GUI element comprises including the GUI element in a user interface associated with the plug-in, and wherein displaying the first GUI element, receiving the user input specifying the data source, automatically configuring the first GUI element, receiving data, automatically determining, automatically substituting the second GUI element, and displaying the received data are performed during development of the plug-in. Concerning claims 97, 98, 114, and 115, it is understood that, during execution, either of the plug-in or browser is operable to receive and display data from the specified data source, as is described above.

Concerning claims 90 and 107, it is understood that the data source accessed by the browser of Semenzato may be located remotely from the computer system executing the browser, and coupled to the computer system over a network, wherein as known in the art, the data source is specified by a URL input by the user (for example, see column 1, lines 44-65; and column 6, line 49 – column 7, line 15 of U.S. Patent No. 6,247,013 to Morimoto). Consequently, it is further understood that configuring the first GUI element, namely that associated with the web browser, comprises automatically configuring the element to connect to the data source in order to receive data from the source.

As per claims 91-94 and 108-111, it is understood that the only user input involved in configuring a window of a browser to receive and display data from a data source may be that of

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selecting a hyperlink specifying the data source, as is known in the art. The window is thus considered to be automatically configured without user programming and without user input specifying source code. It is understood that, if the data is of an appropriate type, this browser window receives and displays data from the specified data source after it is configured to do so, like expressed in claims 94 and 111. Additionally, the browser window displaying a hyperlink is considered a dialog box, like recited in claim 93, as it is a window displayed by the browser to solicit a response from the user.

With respect to claims 95 and 112, it is understood that the data source accessed by the browser of Semenzato may be comprised in a second computer system, namely a server, which is remotely located from the computer system executing the browser, wherein the computer system is operable to connect to the second computer system over a network, as is known in the art. Consequently, it is understood that configuring the browser window comprises automatically configuring the window to connect to the second computer system and receive and display data from the specified data source.

Regarding claims 100-101 and 117-118, it is understood that the specified data source accessed by the browser of Semenzato may be an Internet server, as known in the art. Since the Internet implements HTTP, as also known in the art, such a server is considered an "HTTP server" like recited in claims 100 and 117. This data source may thus be remotely located from the computer system of the user, and therefore, the first data source may be a remote data source associated with a remote computer, wherein automatically configuring the GUI element comprises automatically configuring the GUI element to connect to the remote data source and receive and display data from the remote data source during program execution.



In reference to claims 103-104 and 120-121, Semenzato teaches a method like that of claims 89 and 106, whereby as described above, a GUI element of a plug-in is automatically configured to connect to a specified remote data source and receive and display data from the remote data source. Since the type of data received from the data source is arbitrary, it is understood that the data may be live data, like recited in claims 103 and 120, or measurement data, like recited in claims 104 and 121.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 102-104 and 119-121 are rejected under 35 U.S.C. 103(a) as being unpatentable over the U.S. Patent of Semenzato, which is described above, and also over U.S. Patent No. 5,692,213, which is attributed to Goldberg et al. (and hereafter referred to as "Goldberg"). As described above, Semenzato teaches a method like that of claims 89, 101, 106, and 118, whereby a GUI element of a plug-in is automatically configured to connect to a specified remote data source and receive and display data from the remote data source. As the type of data received from the data source is arbitrary, it is understood that the data may be live data or measurement data like recited in claims 103 and 104, respectively. Semenzato, however, does not explicitly

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teach executing a computer program operable to publish live data to the remote data source, as is expressed in claims 102 and 119.

Like Semenzato, Goldberg discusses receiving and displaying data from over a network, specifically live presentation data (for example, see column 1, lines 35-64). Goldberg particularly teachings publishing, understandably via a program, the live data to the server from which it can be received by one or more users operating client computers (for example, see column 3, lines 46-64).

Therefore it would have been obvious to one of ordinary skill in the art, having the teachings of Semenzato and Goldberg before him at the time the invention was made, to modify the plug-in taught by Semenzato, such that it may access and display live presentation data, published via a program, like taught by Goldberg. It would have been advantageous to one of ordinary skill to utilize this combination because such data is useful, for example, for viewing presentations, as is demonstrated by Goldberg. The teachings of Semenzato, as modified by Goldberg, would thus have a broader range of uses.

### *Conclusion*

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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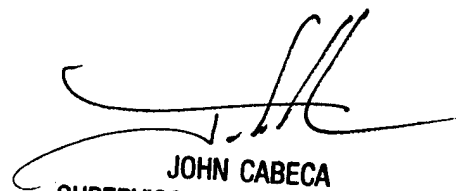
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (571) 272-4044. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

btb



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